

20/12/2012

PRESS RELEASE

Toy store settles sex discrimination claim

A Derry woman whose request to work flexibly was refused after she returned to work from maternity leave has settled her case against Smyth's Toys (NI) Ltd for £15,000. The Equality Commission supported her in taking her sex discrimination case to the Industrial Tribunal.

Catherine McCaul, aged 36, was employed as an assistant manager in the company's Strand Road, Derry, store. In April 2011 she went off on maternity leave for the birth of her second child and, while still on maternity leave, she made a formal written request for flexible working arrangements, a three day week so that she could care for her two children. She was willing to work evenings, weekends and days as long as this was facilitated with a three day week.

Ms. McCaul was informed that the Company was not in a position to accede to her request for part-time working in her position as Assistant Manager. She felt her only option was to resign, which she did in March 2012, as she believed her employer had not given any real consideration to her request but had applied a blanket policy to her.

Ms. McCaul alleged that the refusal to grant her flexible working request, and the insistence that management positions must be undertaken full time, is indirectly discriminatory because of its disproportionate impact on women managers.

In settling the case, Smyth's Toys agreed to pay Ms McCaul £15,000 and expressed their regret for the injury caused to her feelings. The company undertook to review the practice of requiring all managers to work full-time and to liaise with the Equality Commission in a review of its equal opportunities policies and practices, in particular

those concerning flexible working. Smyth's Toys also agreed to supply Ms McCaul with a written reference.

Catherine McCaul said, "I am glad this is over and very much hope that as a result of this settlement fewer women have to go through such a stressful experience as I did. I enjoyed my job at Smyth's for 10 years and was surprised and disappointed that this was how it ended. I hope this is the first step in getting these issues sorted out at company level."

Anne McKernan, Director of Legal Services at the Equality Commission, commented, "Indirect sex discrimination arises in cases like this because a much higher percentage of women than men are carers. Sadly, this is quite a common occurrence. We have seen a number of similar cases recently and have been putting a good deal of work into addressing this particular problem.

"Almost a third of calls to our legal advice line are from women complaining of sex discrimination. Almost three quarters of those allegations are about discrimination in the workplace, and women being disadvantaged by their family and caring roles is a major element in that discrimination. Employers must remember they have legal obligations to consider changes in working patterns to assist working parents and they also have requirements placed on them in respect of the rights of women returning from maternity leave."